

## *Orders of Rulemaking*

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A final order of rulemaking is the last step to getting a proposed rulemaking into the *Code of State Regulations* and thus getting the proposed rulemaking effective. After a final order of rulemaking is filed with the Administrative Rules Division, it is published in the *Missouri Register*, and, then at the end of the same month in which it was published in the *Missouri Register*, it is published in the *Code of State Regulations*. Unless a different effective date is selected, the rulemaking becomes effective thirty (30) days *after* its publication in the *Code*.

In this section the user will be shown how to work through the six basic types of final orders of rulemaking.

The six basic types of final orders of rulemaking are—

- Final order of rulemaking for a proposed rule with no changes;
- Final order of rulemaking for a proposed rule with changes;
- Final order of rulemaking for a proposed amendment with no changes;
- Final order of rulemaking for a proposed amendment with changes;
- Final order of rulemaking for a proposed rescission; and
- Final order of rulemaking for a withdrawal.

There is one other type of final order of rulemaking that is used by only a few state agencies in a few specific instances. These orders of rulemaking deal with orders of rulemaking that *do not* require a proposed rulemaking to go through the normal rulemaking procedure. This exception is defined in section 536.021.1, RSMo 2000. As this type of rulemaking only affects a few agencies and a select few of their rules, this type of order is not covered in the rulemaking manual. Agencies that need assistance on this type of order may contact the Administrative Rules Division staff directly.

# *Final Order for a Proposed Rule—No Changes*

Contents of the final order of rulemaking.

*Example*

**Step 1.** Header, centered and contains the—

**Title number—NAME OF DEPARTMENT**  
**Division number—Name of Division**  
**Chapter number—Name of Chapter**

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 30—750 Painless Rulemaking**

**Step 2.** Type of rulemaking, centered

**ORDER OF RULEMAKING**

**Step 3.**

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rule.

By the authority vested in the Secretary of State under section 536.023, RSMo 2000, the secretary adopts a rule as follows:

**15 CSR 30-750.007** Filing Rules in Person **is adopted.**

**Step 4.**

- Rule number and action taken in **bold** typeface.

**Step 5.** Explanation of—

- The proposed rule publication date in the *Missouri Register* and page number where located.
- No changes to the text of the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 525–526). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.



# *Final Order for a Proposed Rule—No Changes*

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## *Example*

### **Step 6. SUMMARY OF COMMENTS.**

- If comments were received concerning the proposed rule-making, write a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Then **individual comments** are printed with a **response** to the comment. Similar comments may be summarized in one comment.

OR

- If no comments were received concerning the proposed rulemaking, a brief statement is made to that effect.

SUMMARY OF COMMENTS: The secretary of state received one (1) comment on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held April 7, 2001, and the public comment period ended April 17, 2001. At the public hearing the Administrative Rules Division staff explained the proposed rule and one (1) comment was made.

COMMENT: John Q. Hathaway with the Division of Electronic Advancement requested that we make electronic filing the official way to file rather than a paper copy filed in person.

RESPONSE: At this time our office does not have the statutory authority to make the requested change. No changes have been made to the rule as a result of this comment.

OR

SUMMARY OF COMMENTS: No comments were received.

# Final Order for a Proposed Rule—No Changes

## Step 7.

### Paperwork Needed to File a Final Order and What You Do With It

#### 1. Fill out the rule transmittal sheet

- A. This section gives information to Administrative Rules Division staff about your rule and the people in your agency who work with rules.
- B. This section contains a checklist of items for filing.
- C. This section describes the type of rulemaking action.
- D. This section allows you to add any additional information.

#### Example

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number \_\_\_\_\_  
Diskette File Name \_\_\_\_\_  
Name of person to call with questions about this rule: \_\_\_\_\_  
Content \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
Data entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail address \_\_\_\_\_  
Interagency mailing address \_\_\_\_\_  
Statutory Authority \_\_\_\_\_ Current RSMo date \_\_\_\_\_  
Date filed with the Joint Committee on Administrative Rules \_\_\_\_\_

#### B. CHECK, IF INCLUDED:

- |   |   |
|---|---|
| <input type="checkbox"/> This transmittal completed   | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input type="checkbox"/> Cover letter                 | <input type="checkbox"/> Authority with history of the rule           |
| <input type="checkbox"/> Affidavit                    | <input type="checkbox"/> Public cost                                  |
| <input type="checkbox"/> Forms, number of pages _____ | <input type="checkbox"/> Private cost                                 |
| <input type="checkbox"/> Fiscal notes                 | <input type="checkbox"/> Hearing and comment period                   |

#### C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking (circle one) rule, amendment, rescission, or termination  
**MUST** include effective date \_\_\_\_\_
- ☐ Proposed Rulemaking (circle one) rule, amendment, or rescission
- ☐ Order of Rulemaking (circle one) rule, amendment, rescission, or termination  
**MUST** complete page 2 of this transmittal
- ☐ Withdrawal (circle one) rule, amendment, rescission or emergency)
- ☐ Rule action notice
- ☐ In addition
- ☐ Rule under consideration

#### D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, material to be incorporated by reference, or forms included herein).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JCAR Stamp



# *Final Order for a Proposed Rule—No Changes*

E. If you have a specific effective date for your rule, insert that date here.

NOTE: This specific effective date must be later than the statutory thirty (30)-day requirement.

NOTE: For final orders please make sure that page 2 of the rule transmittal sheet is also filled out which asks specific questions concerning the rulemaking. For a final order with no changes simply mark the "No" box.

## *Example—continued*

### **RULE TRANSMITTAL (PAGE 2)**

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date \_\_\_\_\_

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES

☐ NO

1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

# *Final Order for a Proposed Rule—No Changes*

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2. Certification letter or cover letter—This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

## *Example*

*Date:*

Matt Blunt  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Blunt,

Address one (1) original letter to the secretary of state

List rule number and title

RE: *Rule Number and Title*

## CERTIFICATION OF ADMINISTRATIVE RULE

Certify that the attached are complete and accurate copies of the final order of rulemaking  
Include date of filing

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board or commission* on this *date*.

Statutory Authority: section(s) \_\_\_\_\_  
*your agency's statute for rulemaking*

If there are any questions regarding the content of this order of rulemaking, please contact:

*Name*

*Address*

*Phone number*

*E-mail*

*Signature of proper authority*

*Name and title of proper authority*

*Name of department, board or commission*

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules Division

3. Order of rulemaking.

## *Final Order for a Proposed Rule—No Changes*

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Now that you have the paperwork—

1. Now that you have all original documents prepared, make four (4) copies of all documents.
2. Prepare packets of the original and the correct number of copies for the Joint Committee on Administrative Rules and the Office of the Secretary of State.
3. Take the original (which you will keep) and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.
4. *You must wait for thirty (30) days*, then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 337 of the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.
5. Now you can relax and wait for the rulemaking to become effective.



# *Final Order for Proposed Rule—With Changes*

Contents of the final order of rulemaking.

*Example*

**Step 1.** Header, centered and contains the—

<b>Title number—NAME OF DEPARTMENT</b>	→	<b>Title 15—ELECTED OFFICIALS</b>
<b>Division number—Name of Division</b>	→	<b>Division 30—Secretary of State</b>
<b>Chapter number—Name of Chapter</b>	→	<b>Chapter 30—750 Painless Rulemaking</b>

**Step 2.** Type of rulemaking, centered → **ORDER OF RULEMAKING**

**Step 3.**

- Statement to whom authority is given → By the authority vested in the Secretary of State under section 536.023, RSMo 2000, the secretary adopts a rule as follows:
- Statutory cite of authority →
- Statement of action taken on the proposed rule. → 15 CSR 30-750.001 is adopted.

**Step 4.**

- Rule number and action taken in regular typeface. → A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 518–519). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**Step 5.** Explanation of—

- The proposed rule publication date in the *Missouri Register* and page number where located.
- Statement that there are changes to the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.





# Final Order for a Proposed Rule—With Changes

Example—continued

## Step 6. SUMMARY OF COMMENTS, RESPONSES and EXPLANATION OF CHANGE.

- When comments are received concerning the proposed rulemaking, include a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Then individual **comments** are printed with a **response** to the comment. Similar comments may be summarized in one comment.
- When a **comment** results in a change, then a **response and explanation of change** will follow the comment explaining the change that will be made.



SUMMARY OF COMMENTS: The secretary of state received three (3) comments on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held April 7, 2001, and the public comment period ended April 17, 2001. At the public hearing, the Administrative Rules Division staff explained the new rule and three (3) comments were made.

COMMENT: John Q. Hathaway with the Division of Electronic Advancement requested that we make an electronic filing the official copy rather than paper as stated in section (4).

RESPONSE: At this time our office does not have the statutory authority to make the requested change. No changes have been made to the rule as a result of this comment.

COMMENT: Louise Marise with the Division of Logic noted that sections (7) and (8) cross-reference each other without giving us a true definition of rule or regulation.

RESPONSE AND EXPLANATION OF CHANGE: Section (8) will be changed to give a definition of rule. Section (7) will be left as is because there is no difference between a rule and regulation.

COMMENT: James Johnson with the Coalition of the Month Club requested that the publication date be redefined as the day that a subscriber receives either publication through the mail.

RESPONSE AND EXPLANATION OF CHANGE: The publication date must remain as is. However, in order to make the publication dates more understood, language will be added to section (6) stating that future publication dates will be published in the *Missouri Register*.

# *Final Order for a Proposed Rule—With Changes*

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**Step 7.** Those sections with changes are printed now.

*Example continued*

- The title of the rule in **bold** typeface.

## **15 CSR 30-750.001 Definitions Covering Both Painless and Painful Rulemaking**

- Include each section or subsection that has been changed since the proposed rule was published in the *Missouri Register*. This is written just as it will appear in the *Code* without **bold** typeface or brackets to show the changes.

(6) Publication date—the date on which the *Missouri Register* or *Code of State Regulations* is published. These dates may be found on the "In This Issue" page of each issue of the *Missouri Register* and on the internet at <http://mosl.sos.state.mo.us/moreg/pubschedule.htm>.

NOTE: All text indented under the subsection must be submitted with your order.

(8) Rule—as defined in section 536.010(4), RSMo 2000—is each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency. This includes amendments or rescissions of existing rules. There are several exemptions to this definition and they are spelled out in section 536.010(4), RSMo 2000.

ADDITIONAL NOTE: Normally definitions in rules are done in alphabetical order.

**Step 8.** Revised fiscal note. If there was a fiscal note with the proposed rulemaking and changes are necessary, the statement and fiscal note appear at the end of the final order of rulemaking.

*REVISED PUBLIC COST: The cost to the department may range from zero to seven hundred forty-nine dollars (\$0–\$749) versus the less than five hundred dollars (\$500), which we submitted in the original estimate.*

# Final Order for a Proposed Rule—With Changes

## Step 9.

### Paperwork Needed to File a Final Order and What You Do With It

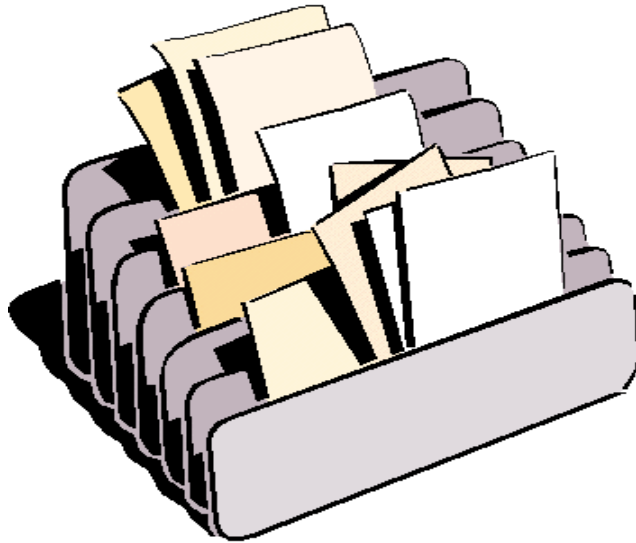
#### 1. Fill out the rule transmittal sheet

A. This section gives information to Administrative Rules Division staff about your rule and the people in your agency who work with rules.

B. This section contains a checklist of items for filing.

C. This section describes the type of rulemaking action.

D. This section allows you to add any additional information.



### Example

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number \_\_\_\_\_  
Diskette File Name \_\_\_\_\_  
Name of person to call with questions about this rule:  
Content \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
Data entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail address \_\_\_\_\_  
Interagency mailing address \_\_\_\_\_  
Statutory Authority \_\_\_\_\_ Current RSMo date \_\_\_\_\_  
Date filed with the Joint Committee on Administrative Rules \_\_\_\_\_

#### B. CHECK, IF INCLUDED:

<input type="checkbox"/> This transmittal completed	<input type="checkbox"/> Incorporation by reference materials, if any
<input type="checkbox"/> Cover letter	<input type="checkbox"/> Authority with history of the rule
<input type="checkbox"/> Affidavit	<input type="checkbox"/> Public cost
<input type="checkbox"/> Forms, number of pages _____	<input type="checkbox"/> Private cost
<input type="checkbox"/> Fiscal notes	<input type="checkbox"/> Hearing and comment period

#### C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (circle one) rule, amendment, rescission, or termination  
**MUST** include effective date \_\_\_\_\_

☐ Proposed Rulemaking (circle one) rule, amendment, or rescission

☐ Order of Rulemaking (circle one) rule, amendment, rescission, or termination  
**MUST** complete page 2 of this transmittal

☐ Withdrawal (circle one) rule, amendment, rescission or emergency)

☐ Rule action notice

☐ In addition

☐ Rule under consideration

#### D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, material to be incorporated by reference, or forms included herein).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JCAR Stamp

# Final Order for a Proposed Rule—With Changes

E. If you have a specific effective date for your rule, insert that date.

NOTE: This specific date must be later than the statutory thirty (30)-day requirement.

F. For final orders, please make sure that page 2 of the transmittal sheet is also filled out. This section asks specific questions concerning the rulemaking. If more space is needed attach a separate sheet.

*Example—continued*

## RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date \_\_\_\_\_

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES

☐ NO

1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

# *Final Order for a Proposed Rule—With Changes*

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2. Certification letter or cover letter—This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

*Example*

Address letter to the secretary of state

*Date:*

Matt Blunt  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

List rule number and title

Dear Secretary Blunt,

RE: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the final order of rulemaking

## CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board or commission* on this *date*.

Include date of filing

Statutory Authority: section(s) \_\_\_\_\_  
*your agency's statute for rulemaking*

If there are any questions regarding the content of this order of rulemaking, please contact:

*Name*

*Address*

*Phone Number*

*E-mail*

*Signature of proper authority*

*Name and title of proper authority*

*Name of department, board or commission*

Authorized signature of the department director or his/her designee, which is on file in the Office of the Secretary of State, Administrative Rules Division

### 3. Order of rulemaking.

NOTE: If you have a revised private fiscal note no affidavit is required.

### Example

# AFFIDAVIT

## REVISED PUBLIC COST

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF COLE )

I, *name of person with authority, name of department, board or commission*, first being duly sworn, on my oath, state that it is my opinion that the attached revised fiscal note filed with the order of rulemaking for *number of rule* is a reasonably accurate estimate of the revised cost.

*Signature of person with authority*  
*Name of proper authority*  
*Title of proper authority*  
*Name of department, board or commission*

Subscribed and sworn to before me this \_\_\_\_\_ day of *month*,  
*year*. I am commissioned as a notary public within the County of  
*name of county*, State of Missouri, and my commission expires on  
*date*.

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Notary Public

# *Final Order for a Proposed Rule—With Changes*

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The revised fiscal note.

*Example*

## **FISCAL NOTE PUBLIC COST**

### **I. RULE NUMBER**

Rule Number and Name:	
Type of Rulemaking:	

### **II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

### **III. WORKSHEET**

### **IV. ASSUMPTIONS**

# *Final Order for a Proposed Rule—With Changes*

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## **Now that you have the paperwork—**

1. Make four (4) copies of all original documents.
2. Prepare packets of the original and the correct number of copies for the Joint Committee on Administrative Rules and the Office of the Secretary of State.
3. Take the original and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.
4. *You must wait thirty (30) days*, then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 337 of the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.
5. Now you can relax and wait for the rulemaking to become effective.





# *Final Order for a Proposed Amendment—No Changes*

Contents of the final order of rulemaking.

*Example*

**Step 1.** Header, centered and contains the—

**Title number—NAME OF DEPARTMENT**  
**Division number—Name of Division**  
**Chapter number—Name of Chapter**

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 30—750 Painless Rulemaking**

**Step 2.** Type of rulemaking, centered

**ORDER OF RULEMAKING**

**Step 3.**

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed amendment.

By the authority vested in the Secretary of State under section 536.023, RSMo 2000, the secretary amends a rule as follows:

**15 CSR 30-750.003 Filing Requirements is amended.**

**Step 4.**

- Rule number and action taken in **bold** typeface.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 521). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**Step 5.** Explanation of—

- The publication date of the proposed amendment in the *Missouri Register* and page number where located.
- No changes to the text of the proposed amendment.
- When the proposed amendment becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

How do  
I do this?



# *Final Order for a Proposed Amendment—No Changes*

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## **Step 6. SUMMARY OF COMMENTS.**

- If comments were received concerning the proposed rule-making include a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Then individual **comments** are printed with a **response** to the comment. Similar comments may be summarized in one comment.



- If no comments were received concerning the proposed rulemaking, a brief statement is made to that effect.

## *Example—Continued*

SUMMARY OF COMMENTS: The secretary of state received two (2) comments on the proposed amendment.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 7, 2001, and the public comment period ended April 17, 2001. At the public hearing, the Administrative Rules Division staff explained the proposed amendment and two (2) comments were made.

COMMENT: John J. Johnson with the Division of Unplanned Emergencies requested that we make emergency rules effective for one (1) full year.

RESPONSE: This request is outside of the curfew of the amendment change and therefore cannot be addressed at this point. Additionally, the length of emergency rules is set by statute and, therefore, beyond our control. No changes have been made to the rule as a result of this comment.

COMMENT: Mary Agnes with the Coalition for Saving the Trees From Becoming Paper League requested that we immediately stop accepting all paper filings on all rulemakings and only file through e-mail.

RESPONSE: While in the future electronic filings may become the statutorily required method of filing rules, currently, statutes require all filings be done in hard copy, that is paper form. No changes have been made to the rule as a result of this comment.

OR

SUMMARY OF COMMENTS: No comments were received.

# Final Order for a Proposed Amendment—No Changes

## Step 7.

### Paperwork Needed to File a Final Order and What You Do With It

#### 1. Fill out the rule transmittal sheet

A. This section gives information to Administrative Rules Division staff about your rule and the people in your agency who work with rules.

B. This section contains a checklist of items for filing.

C. This section describes the type of rulemaking action and dates necessary for filing.

D. This section allows you to add any additional information.



### Example

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number \_\_\_\_\_  
Diskette File Name \_\_\_\_\_  
Name of person to call with questions about this rule:  
Content \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
Data entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail address \_\_\_\_\_  
Interagency mailing address \_\_\_\_\_  
Statutory Authority \_\_\_\_\_ Current RSMo date \_\_\_\_\_  
Date filed with the Joint Committee on Administrative Rules \_\_\_\_\_

#### B. CHECK, IF INCLUDED:

<input type="checkbox"/> This transmittal completed	<input type="checkbox"/> Incorporation by reference materials, if any
<input type="checkbox"/> Cover letter	<input type="checkbox"/> Authority with history of the rule
<input type="checkbox"/> Affidavit	<input type="checkbox"/> Public cost
<input type="checkbox"/> Forms, number of pages _____	<input type="checkbox"/> Private cost
<input type="checkbox"/> Fiscal notes	<input type="checkbox"/> Hearing and comment period

#### C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (circle one) rule, amendment, rescission, or termination  
**MUST** include effective date \_\_\_\_\_  
☐ Proposed Rulemaking (circle one) rule, amendment, or rescission  
☐ Order of Rulemaking (circle one) rule, amendment, rescission, or termination  
**MUST** complete page 2 of this transmittal  
☐ Withdrawal (circle one) rule, amendment, rescission or emergency)  
☐ Rule action notice  
☐ In addition  
☐ Rule under consideration

#### D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, material to be incorporated by reference, or forms included herein).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JCAR Stamp

# *Final Order for a Proposed Amendment—No Changes*

E. If you have a specific effective date for your rule, insert that date here.

NOTE: This specific effective date must be later than the statutory thirty (30)-day requirement.

NOTE: For final orders please make sure that page 2 of the rule transmittal sheet is also filled out. This page asks specific questions concerning the rulemaking. For a final order with no changes simply check the “No” box.

*Example—continued*

## **RULE TRANSMITTAL (PAGE 2)**

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date \_\_\_\_\_

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES

☐ NO

1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

# *Final Order for a Proposed Amendment—No Changes*

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2. Certification letter or cover letter—This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

*Example*

Address letter to the secretary of state

*Date:*

Matt Blunt  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

List rule number and title

Dear Secretary Blunt,

Certify that the attached are complete and accurate copies of the final order of rulemaking

RE: *Rule Number and Title*

Include date of filing

## CERTIFICATION OF ADMINISTRATIVE RULE

Authorized signature of the department director or his/her designee, which is on file in the Office of the Secretary of State, Administrative Rules Division

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board or commission* on ~~this~~ *date*.

3. Order of rulemaking.

4. If you have a revised public fiscal note you must also have an affidavit signed by the person with rulemaking authority. Signature must be on file in the Office of the Secretary of State.

Statutory Authority: section(s) \_\_\_\_\_  
*your agency's statute for rulemaking.*

If there are any questions regarding the content of this order of rulemaking, please contact:

*Name*

*Address*

*Phone Number*

*E-mail*

*Signature of proper authority*

*Name and title of proper authority*

*Name of department, board or commission*

NOTE: If you have a revised private fiscal note no affidavit is required.

## ***Final Order for a Proposed Amendment—No Changes***

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Now that you have the paperwork—

1. Now that you have all original documents prepared, make four (4) copies of all documents.
2. Prepare packets of the original and correct number of copies for delivery to the Joint Committee on Administrative Rules and the Office of the Secretary of State.
3. Take the original (which you will keep) and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.
4. *Wait for thirty (30) days* and then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 337 of the James Kirkpatrick State Information Center, 600 W. Main St. Jefferson City, Missouri.
5. Now you can relax and wait for the rulemaking to become effective.

